

hours per day and would be on her feet four to six hours per day depending upon which testimony is believed. Claimant began having difficulties with her feet, primarily in her heels, in 1997. She went to Dr. Ed R. Elkouri, a podiatrist. Dr. Elkouri diagnosed bilateral bursitis, moderate steatosis, and bilateral spurring with the worst problem being in the left foot.

Respondent argues that Dr. Elkouri's history was inaccurate as claimant advised the doctor she was on her feet constantly. However, a review of the report from the doctor dated April 1, 1997, indicates that while she did tell the doctor she was on her feet constantly, she also discussed sitting down periodically throughout the day as the pain in her feet would be worse after she had sat for a period of time. Dr. Elkouri opined in his notes of May 2, 1997, that he could not determine if claimant's condition was caused by her work but was being aggravated by her employment.

The workers compensation law in Kansas is well set out. When job duties aggravate or accelerate an existing condition or disease or intensify a preexisting condition, the aggravation becomes compensable as a work-related accident. Demars v. Rickel Manufacturing Corporation, 223 Kan. 374, 573 P.2d 1036 (1978).

In this case, the testimony of claimant and the opinions of Dr. Elkouri are uncontroverted in that the claimant suffered aggravations of her bilateral foot problems standing at her job. The aggravation of this condition would be compensable and claimant would be entitled to whatever medical care may be reasonably necessary to cure and relieve the effects of the injury. See K.S.A. 44-510(a).

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge John D. Clark, dated December 8, 1997, should be, and is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of February 1998.

BOARD MEMBER

c: Garry L. Howard, Wichita, KS
William L. Townsley, III, Wichita, KS
John D. Clark, Administrative Law Judge
Philip S. Harness, Director